

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff

vs.

Case No. 2:19-cv-01319-PP

TODD DYER,

Defendant.

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**MOTION FOR ADJOURNMENT**

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Defendant, TODD DYER, by and through his attorney, ROBERT J. PENEGOR, hereby moves this Court pursuant to Rule 7(b) for a 65 day adjournment of the motion date currently scheduled for February 14, 2020.

This Motion is supported by the Affidavit attached hereto.

Dated this 17<sup>th</sup> day of January 2020.

Penegor & Lowenberg Law Offices

/s/ Robert J. Penegor

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BY: ROBERT J. PENEGOR  
State Bar No. 1010979  
Attorney for Defendant, Todd Dyer  
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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff

vs.

Case No. 2:19-cv-01319-PP

TODD DYER,

Defendant.

**AFFIDAVIT IN SUPPORT OF MOTION FOR ADJOURNMENT**

STATE OF WISCONSIN     )  
  )SS  
COUNTY OF WAUKESHA )

I, ROBERT J. PENEGOR, being duly sworn, states as follows:

1. That I am an attorney, licensed to practice in the state of Wisconsin, and I represent the defendant, Todd Dyer, in the above entitled action.
2. That a Motion Hearing is scheduled for February 14, 2020 at 1:30 p.m.
3. That the defendant is housed at the Elkton Federal Correctional Institution Located in Lisbon, Ohio which is approximately 7 hours from Milwaukee.
4. That undersigned counsel communicates with the Defendant via telephone and email on a regular basis. However, it is not possible to attach files to the email communications so discussion and receipt of exhibits and pleadings must be done via US Mail.
5. That sending and receiving documents via mail between the defendant and undersigned counsel has been cumbersome and is causing delay in preparing the Joint

Prehearing Report, the preparation of exhibits for the Motion Hearing and the preparation of the defense for said hearing.

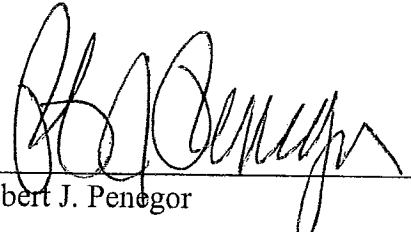
6. That the Defendant is asserting that many of the documents needed for Exhibits for said Motion are being held by other persons and the ability to obtain said documents has been difficult.

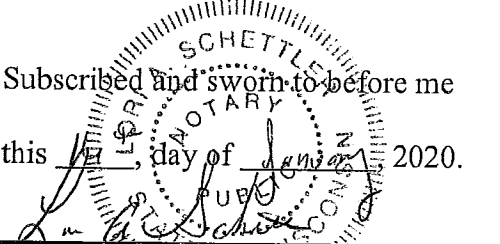
7. As a result, your Affiant believes because of the difficulty created by distance with the Defendant being incarcerated in Ohio, and the volume of information Defendant is seeking, undersigned counsel cannot effectively represent his interest without additional time being provided to prepare for said hearing.

8. At this time we are respectfully requesting an adjournment due to the necessity for additional time to prepare for the Motion Hearing.

WHEREFORE defendant, Todd Dyer, respectfully requests that the Court grant an adjournment in this matter. This Affidavit is made in support of the Defendant's Motion for Adjournment.

Dated this 16<sup>th</sup> day of January 2020.

  
Robert J. Penogor

Subscribed and sworn to before me  
this 16 day of January 2020.  
  
Notary Public L. J. Schettler  
My commission: 04-26-23